THE HON'BLE MS JUSTICE G.ROHINI

Writ Petition No.23431 of 2005

09.12.2005

Between:

Gajula Venkateswararao, s/o Manikyalarao, Occ: Cultivation and others.

... PETITONERS

AND

Eastern Power Distribution Company of AP Ltd., rep. By its Divisional Electrical Engineer, Operation Division, Eluru, West Godavari District and others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

Writ Petition No.23431 of 2005

ORDER:

This writ petition is filed seeking a declaration that the action of the respondents in not installing the agricultural service connections granted to the petitioners and not supplying the power as arbitrary and illegal.

The petitioners, three in number, state that they own agricultural lands situated in Dubacherla village, Nallajerla Mandal, West Godavari District. It is stated that the petitioners having obtained necessary permission from the competent authority as required under the provisions of A.P. Water, Land & Trees Act, 2002 (for short 'the Act') excavated bore wells in their lands for the purpose of irrigation of their lands. Subsequently, the petitioners applied to the respondents for providing service connections. After due verification of the applications made by the petitioners, the respondents granted service connections. In pursuance thereof, the petitioners made requisite payment. It is not in dispute that pursuant thereto, the respondents have started erection and installation of service connections. However, the respondents have not provided power supply. Aggrieved by the said action, this writ petition is filed.

On behalf of the respondents, the Assistant Divisional Engineer, Bhimadole filed a counter affidavit, in which, the fact that the petitioners were sanctioned agricultural service connections under Tatkal Scheme i.e., out of turn and that the petitioners fulfilled all the formalities for release of agricultural service connections in their favour has not been disputed. However, it is stated that the Mandal Revenue Officer, Nallajerla, West Godavari District by a letter, dated

05.07.2005, has instructed the respondents to stop release of service connections in favour of the petitioners. Since the Mandal Revenue Officer is the authorized Nodal Officer under the provisions of Act, the respondents are bound by the instructions of the Mandal Revenue Officer and accordingly they were constrained to stop the work which was in progress. The respondents have also placed before this Court a copy of the letter of the Mandal Revenue Officer, dated 05.07.2005. The said letter shows that one Tatini Tatarao made a complaint before the local MLA with regard to new bore wells excavated by the petitioners and on the basis of the same, the Mandal Revenue Officer was asked to make inspection. It is stated that in the inspection, it was found that the new bore wells were excavated in violation of the provisions of the Act and that they were laid within the prohibited distance.

It is relevant to note that the bore wells were dug by the petitioners having obtained necessary permission from the Mandal Revenue Officer, Nallajerla under the provisions of the Act. The permission granted by the Mandal revenue Officer was placed before this Court which shows that the petitioners were permitted to dig the bore wells as long back as in the year 2004. In the circumstances, even assuming that there is any contravention of the provisions of the Act, it is for the competent authority to take necessary steps in accordance with law, but on that ground, the Mandal Revenue Officer ought not to have directed the respondents to stop installation of Service Connections in favour of the petitioners. Since the petitioners were granted service connections under Tatkal scheme and they have also made the requisite payments, I am of the opinion that the respondents are not justified in stopping the work purportedly under the instructions of the Mandal Revenue Officer, Nallajerla by letter, dated 05.07.2005.

Accordingly, the writ petition is disposed of with a direction to the respondents to proceed with the installation work and release the service connections in favour of the petitioners expeditiously. No costs.

09.12.2005

Note: Issue CC by 12.12.2005.

(b/o)

VGB